



# United States Department of the Interior



NATIONAL PARK SERVICE  
George Washington Memorial Parkway  
700 George Washington Memorial Parkway  
McLean, VA 22101

IN REPLY REFER TO:

## Record of Determination

Record of Determination for a temporary closure for parades, marches, biking and foot events, and walk-a-thons, or any other organized group pedestrian activity on the north section of the George Washington Memorial Parkway from I-495 to Spout Run.

The George Washington Memorial Parkway has issued a Record of Determination to close the north section of the road (from Spout Run to I-495) to all special events. The prohibition will begin in 2019 and remain in effect until rescinded. The closure is necessary due to road conditions. It has been determined that the park cannot bring this roadway into an acceptable condition by simply filling potholes or cutting and patching on a scale large enough to support bicycle and foot racing/events until major repairs to the roadway are completed.

The park closure is necessary to provide for public safety on the north section of the George Washington Memorial Parkway. The Federal Highway Administration's Road Inventory Program Cycle 6 report rates this section of the Parkway as poor. The poor rating is the lowest pavement condition rating in the pavement rating scale of (0-60). Listed below are examples of issues used to determine that events cannot be supported on the George Washington Memorial Parkway:

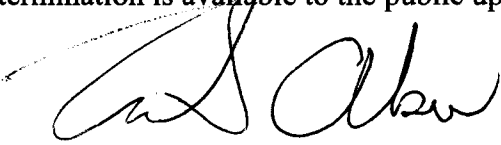
- Surface Condition Rating (SCR), is rated poor.
- Roughness Condition Index rating (RCI), is rated poor.
- Severe surface damage and pothole patches.
- Failing base and uneven surfaces in the areas both inbound and outbound along the northern section of the George Washington Memorial Parkway between Spout Run and I-495.


Less restrictive measures are not available. The temporary closure of the roadway would go into effect until further notice pending major repairs to the roadway. This temporary and partial closure is not of a nature, magnitude and duration that will result in a "significant alteration in the public use pattern". Indeed, other nearby park areas will remain open to the public. The closure will not adversely affect the park's natural, aesthetic or cultural values; nor require significant modification to the resource management objections; nor is it of a highly controversial nature. Accordingly, the National Park Service determines publication as rulemaking in the Federal Register is unwarranted Under 36 C.F.R. § 1.5(c).

Accordingly, the National Park Service determines publication as rulemaking in the Federal Register is unwarranted under 36 CFR 1.5 (b). This determination is consistent with hundreds of earlier partial or temporary closures, the legal opinion of the Office of the Solicitor, and judicial adjudications that have upheld other National Park Service closures and public use limitations to include *Spiegel v. Babbitt*, 855 F. Supp. 402 {D.D.C.1994} affd in part w/o op. 56 F. 3d 1531

(D.C. Cir. 1995), reported in *fu/1*, 1995 US App. Lexis 15200 (D.C. Cir. May 31, 1995); ANSWER Coalition v. Norton, No. 02-1715 (D.D. C. August 22, 2002), plaintiffs emergency motion for appeal for injunction pending appeal denied Mahoney v. Norton, No. 02- 5275 (D.C. Cir. September 9, 2002) (per curium); Picciotto v United States, No. 99-2113 (D.D.C. August 6, 2000); Picciotto v. Lujan, No. 90-1261 (D.D.C. May 30, 1990); and Picciotto v. Hodel, No. 87-3290 (D.D.C. December 7, 1987).

Pursuant to 36 CFR 1.5(c), 1.7, notice of this temporary closure will be made through a media advisory and an alert of the park webpage. Finally, pursuant to 36 CFR 1.5(c), this determination is available to the public upon request.



 Charles Cuvelier  
Superintendent, George Washington Memorial Parkway

November 21, 2019  
Date